

Remarks

Claims 1-13 were pending.

Claims 1 and 3 are amended.

Claims 2 and 10 are original.

Claims 4-9 and 11-13 are as previously presented.

Claims 14 and 15 are new.

The application now contains claims 1-15.

Claim 1 is amended for clarity by deleting the words "of the two" in the first and fourth lines following formula I; deleting the "s" from the word "groups" and replacing the word "represents" with "is" the third and fifth lines following formula I; inserting the term R_1 immediately following the word "other" in the second line following formula I and inserting the term R_2 immediately following the word "other" in the fifth line following formula I. Support is inherent in the claim.

Claim 1 is further amended to insert at the end of the claim the limitation that the reaction product has incorporated therein at least 16% by weight of component b. Support is found in the specification on page 8, in the last two lines of Example 3.

Claim 3 is amended for clarity by inserting the phrase "are the same" immediately following the term " R_1 groups" and immediately following the term " R_2 groups" in line 2.

Support for new claims 14 and 15 is found in claims 9, 1 and 8 and in the specification on page 4 line 30 through page 5 line 11 and on page 7 in Example 1.

No new matter is added.

Rejections

Claims 1-13 are rejected under 35 US 112 second paragraph for being indefinite. In claim 1 the phrase "groups independent of the other" is considered unclear. Claim 1 is amended to clarify that each of the R_1 groups are selected independently of the other R_1 group and that each of the R_2 groups are selected independently of the other R_2 group.

Claim 3 is also amended to make clear that each R_1 group is the same as the other R_1 group, each R_2 group is the same as the other R_2 group, and each X_1 group is the same as the other X_1 group.

In light of the above amendments and discussion, Applicants respectfully submit that the rejections under 35 US 112 second paragraph are addressed and are overcome and kindly ask that the rejections be withdrawn.

Claims 1-13 are rejected under 35 USC 102(b) as being anticipated by Rohringer, WO 01/11140. Claims 1-3, 5-7, 9 and 13 are rejected on the grounds of obviousness type double patenting over Rohringer, US 6,797,752, which is the US equivalent of WO 01/11140.

Applicants respectfully traverse the rejections.

Applicants respectfully aver that there is a fundamental difference between the invention disclosed in the cited Rohringer art and the instant invention, as referenced in paragraph 3 of page 1 of the instant Specification. In the instant invention, a reaction product is formed from the reaction of the water-soluble fluorescent whitening agent of formula I and the a melamine-formaldehyde and/or a melamine-urea polycondensation product. Applicants believe this reaction product to be a novel whitening pigment.

Rohringer on the other hand prepares a physical mixture of resin and whitening agent. Applicants do not dispute that the components that are blended in Rohringer overlap with the starting materials of the instant reaction, however, Rohringer does not react the two components to form a compound as in the instant invention.

Applicants contrast the conditions used to prepare the mixture of Rohringer in Example 1, heating the components in an aqueous medium at pH 3.5-4.0 for 10 minutes, with the conditions used to form the reaction product of the instant invention in instant Example 1, heating the components in an aqueous medium at pH 2.0 for 4 hours. The instant covalently bound compound of the instant invention allow one to create resin containing pigments with higher amounts of whitening agent.

Applicants acknowledge that one might suggest that some reaction between the water-soluble fluorescent whitening agent of formula I and the a melamine-formaldehyde and/or a melamine-urea polycondensation product might occur even under the conditions of Rohringer's Example 1. However, instant claim 1 is amended to specify that the reaction product formed from component a and component b contains at least 16% of component b. This is well outside the 0.05 to 10% of whitening agent incorporated into the pigment of Rohringer, col 2 lines 34-37.

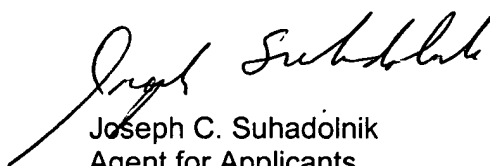
Thus, the whitening pigment of the instantly amended claim 1 is clearly not the pigment of Rohringer and no anticipation exists.

In light of the amendments and discussion above, Applicants respectfully submit that the rejections under 35 USC 102(b) over Rohringer, WO 01/11140 and the rejections on the grounds of obviousness type double patenting over Rohringer, US 6,797,752, and kindly ask that the rejections be withdrawn.

Applicants respectfully submit that all rejections have been addressed and are overcome and kindly ask that they be withdrawn and that claims 1-13 be found allowable. Applicants further suggest that new claims 14 and 15 contain process elements not contemplated in the cited art and kindly ask that claims 14 and 15 also be found allowable.

In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,


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